இணைப்பு 1

[221 ஆம் பக்கத்தில் இனம் 8 (1) க்கான அடிக் குறிப்பைக் காண்க]

L. A. BILL No. 27 OF 1978.

[As passed by the Assembly]

A Bill further to amend the Tamil Nadu Agricultural Produce Officers for exercising the powers and performing the functions of Markets Act, 1959 *and to provide for the appointment of Special Market Committees in the State of Tamil Nadu.*

BE it enacted by the Legislature of the State of Tamil Nadu in the Twenty-ninth Year of tht Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Tamil Nadu Agricultural Produce Markets (Amendment and Special Provisions) Act, 1978.

(2) It shall be deemed to have come into force on the 6th day of June 1978.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) " Director " means the Director of Agricultural Marketing ;

(*b*) " Government " means the State Government ;

(*c*) Words and expressions used and not defined in this Act, but defined in the Tamil Nadu Agricultural Produce Markets Act, 1959 (Tamil Nadu Act 23 of 1959) (hereinafter referred to as the principal Act), shall have the meanings respectively assigned to them in that Act.

3. *Omission of section* 12, *Tamil Nadu Act* 23 *of* 1959.—Section 12 of the principal Act shall be omitted.

4. *Members of market committees to cease to hold office.*—Notwithstanding anything contained in the principal Act or in any other law for the time being in force, every member of every market committee established under section 5 of the principal Act (including its chairman and vice-chairman and *ex-officio* member, if any) and of every sub-committee and special committee of such market committee, holding office as such immediately before

the date of commencement of this Act shall cease to hold offic and be deemed to have vacated his office on and from the date of commencement of this Act.

5. *Appointment of Special Officers for market committees.*—(1) (*a*) Notwithstanding anything contained in the principal Act or in any other law for the time being in force on the date of commencement of this Act, the Government shall, by order, appoint Special Officers, to exercise the powers and perform the functions of the market committees and of the sub-committees or special committees of such market committees under the principal Act.

(*b*) A Special Officer may be appointed under clause (*a*) for one or more market committees as the Government may, by order, specify.

(2) Each Special Officer shall hold office for such period or periods not exceeding two years in the aggregate as may be specified by the Government from time to time :

Provided that if any vacancy arises in the post of Special Officer, the vacancy shall be filled up by the Government and the person appointed in the vacancy shall hold office for the remainder of the said period.

(2) The Special Officer appointed under sub-section (1) shall, subject to the control of the Director and to such directions as the Director may, from time to time, give, have power to exercise all or any of the powers and perform all or any of the functions of the market committee or of the sub-committees or special committees of such market committee and to take such action as may be required in the interest of the market committee.

(4) Where a Special Officer is appointed under sub-section (1), the Government may appoint an advisory board to advise the Special Officer in such matters as may be specified by the Government and the advisory board shall consist of the following members, namely :—

(*a*) three persons from among the producers of the notified agricultural produce in the notified area :

(*b*) three persons licensed under sub-section (1) of section 6 of the principal Act in the notified area in respect of the notified agricultural produce ;

(*c*) the District Agricultural Officer having jurisdiction over the notified area ;

(*d*) two other officers of the Government as may be nominated by the Government.

(5) The Government may fix the remuneration payable to the Special Officers appointed under sub-section (1) and the amount of remuneration so fixed, and such other expenditure incidental to the management of the market committee, during the period of appointment of the Special Officer as may be approved by the Government, shall be payable from the Market Committee Fund.

(6) The Special Officer appointed under sub-section (1) shall arrange for the constitution of a new market committee in accordance with the provisions of the principal Act and the rules made thereunder, so that the new market committte may be constituted and the members thereof come into office at the expiry of the period of appointment of the Special Officer.

6. *Delivery of possession of records and properties of market committee.*—(1) Where a Special Officer is appointed under sub-section (1) of section 5, and such Special Officer is resisted in, or prevented from, obtaining possession of the books, accounts, documents, securities, cash and other properties, whether movable or immovable, of the market committte (hereafter in this section referred to as the records and properties of the market committee) by any person who is not entitled to be in possession of the records and properties of the market committee, any metropolitan magistrate or any judicial magistrate of the first-class in whose jurisdiction the office of the market committee or the records and properties of that market committee is or are situate shall, on application by the Special Officer and on the production of the order of appointment, and of a certificate by the Director in the prescribed form setting forth that the records and properties mentioned therein belong to the market committee, direct delivery to the Special Officer of the possession of the records and properties of the market committee.

(2) No certificate shall be issued by the Director under sub-section (1) without making such inquiry as he deems necessary.

(3) For the purpose of the proceedings under sub-section (1) the certificate aforesaid shall be conclusive evidence that the records and properties to which it relates belong to the market committee.

(4) The metropolitan magistrate or the judicial magistrate of the first-class referred to in sub-section (1) may, pending disposal of an application for directing delivery to the Special Officer of the possession of the records and properties of the market committee mentioned in the certificate by the Director, appoint a Receiver to take possession of such records and properties or such portion thereof as may be necessary. The remuneration, if any, paid to the Receiver and other expenses incurred by him shall be payable from the Market Committee Fund.

7. *Delegation of powers of Government.*—(1) The Government may, by notification, authorise the Director or any other officer to exercise any of the powers vested in them under section 5, in respect of any market committee.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specified in the notification and subject also to control and revision by the Government.

8. *Protection of action taken in good faith.*—(1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of this Act.

9. *Repeal.*—(1) The Tamil Nadu Agricultural Produce Markets (Amendment and Special Provisions) Ordinance, 1978 (Tamil Nadu Ordinance 4 of 1978), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act as if this Act had come into force on the 6th day of June 1978.